

dubbing speed,

wherein after proper completion of billing said user,
said control means directs said dubbing means to start reading
out data from said first recording medium and writing the read
out data onto said second recording medium, with an amount of
billing for said user determined based on said dubbing speed.-

REMARKS

Claims 1-45 are pending in the present application.
Claims 1, 5-7, 11, 18, 19, 23, 31, 41, 42 and 44 have been
amended and new claim 45 has been added hereby.

The specification has been amended to include the
amendments of the Preliminary Amendment dated January 24, 2001
that were not previously entered.

Reconsideration is respectfully requested of the
Examiner's objection to the drawings as allegedly failing to
show every feature of the invention specified in the claims.
The Examiner contends that the operating unit and the data
storage unit of claims 8 and 38 are not shown. Applicant
respectfully disagrees. One non-limiting example of an

operating unit is the data retrieving processor 42 shown in Figure 3 and described at page 23 of the present invention. One non-limiting example of a data storage unit is hard disk array 41 also shown in Figure 3 and described at page 23 of the present application.

Not related
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control
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Accordingly, it is respectfully submitted that the drawings show every feature of the invention specified in the claims.

Reconsideration is respectfully requested of the Examiner's objection to the specification due to informalities. Applicant has carefully reviewed the Examiner's comments and it is believed that the changes made to the specification herein correct those informalities. Regarding the Examiner's contention that reference symbols "S13", "S14" and "S15" are not mentioned in the specification, Applicant notes that reference is made to these symbols at least at page 23 lines 6-22 of the present application.

Reconsideration is respectfully requested of the Examiner's rejection of claims 5-7, 18 and 41-44 under 35 U.S.C. 112 as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as his invention. Applicant has carefully reviewed

the Examiner's comments and has amended claims 5-7, 18, 41, 42 and 44 with the Examiner's comments in mind.

Accordingly, it is respectfully submitted that amended claims 5-7, 18 and 41-44 particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Reconsideration is respectfully requested of the rejection of claims 1-10, 19-22 and 31-40 under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 5,481,411 to Nakatani and European Patent Application EP 0 309 298 to Ball et al.

NO
argument
why
it's
different
from
what
invented

Nakatani, as understood by Applicant, relates to a high speed dubbing device for producing magnetic tape such as video, audio or computer soft tapes. The dubbing device includes master tape playback devices for synchronously playing back 2 divided master signals obtained by time-divisionally dividing an original master signal having an original data sequence. A double speed recording signal is produced by a double speed recording signal producing device for time compressing the 2 divided master signals to $\frac{1}{2}$ to obtain a double speed recording signal while restoring the original data sequence in the double speed recording signal.

A recording device records the double speed recording signal on a slave tape running at a speed twice the nominal playback speed of the slave tape. (Abstract)

Ball et al., as understood by Applicant, relates to a system allowing a customer to select various randomly accessed musical pieces to be copied at a rapid speed onto a tape for immediate purchase and that automatically forwards appropriate royalty payments to the artist involved. The available selections are stored and edited on a video tape using an audio to video digital converter and are transferred to video disk to form a library. Sections are retrieved for duplication onto cassette tape using a video to audio digital converter. Details of each use of the apparatus are coded onto the medium receiving the copied selections. (Abstract)

No argument about prior art
 A feature of the present invention is that a control unit generates data for imposing payment for recording data, referred to as basic data, from a first recording medium to a second recording medium from data indicating a user identity and data indicating a speed of the recording. A payment imposing device receives the basic data for imposing payment from the control unit and determines an amount of payment according to the speed of recording and imposes payment on a

user identified according to the data identifying the user.

When data indicating the proper completion of imposing payment is received by the controller, a record/playback unit starts recording the data from the first recording medium onto the second recording medium. Thus a recording is made only after payment is imposed. In this manner, copies of the first recording medium can be made, while at the same time ensuring payment of royalty fees to artists. (Page 11, line 3 to page

12, line 3)

Ball et al. discloses royalty coding and accounting means and maintaining records of the copies made by a recording apparatus. Records are maintained for auditing and payment of royalties by the owner or licensee of the apparatus. Ball et al. also provides features for assisting in the prevention of illegal copying. Information relevant to the payment of royalties is encoded onto video frames of coded audio information, including, for example, the title, name of composer, lyricist, recording company and related copyright information of the recording and directives as to royalties are encoded on the video frame along with the audio information. Information regarding the identity of the machine, date, time and the customer maybe encoded

periodically to the dispensable tape. The royalty information and identifying information may also be printed and retained as a hard copy. (Ball et al., Page 3, lines 5-25)

Ball et al., however, fails to show or suggest a record/playback apparatus including a control unit for starting recording of data read out from a first recording medium onto a second recording medium when data indicating proper completion of imposing payment is received by the control unit, as recited in claim 1, for example. The Examiner contends that it would have been obvious to modify Nakatani to adopt the royalty encoding and accounting means of Ball et al. to ensure calculation and making of appropriate royalty payments. The apparatus of Ball et al. keeps records regarding copying of data and records copyright data and identification data on recordings made by the apparatus so that unauthorized copies can be tracked. (Page 36, line 15-20) While Ball et al. may allow for direct payment of royalties by including a credit card reader which allows online credit card verification and instant identification information, Ball et al. fails to show or suggest starting recording only after the control unit has received data indicative of proper completion of imposing payment for the

Nakatani
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Ball
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recording. (Page 3, lines 31-35) There is no need to provide for information to track illegal copies of data where no copy is made unless proper payment is imposed. Ball et al., thus, teaches away from including a feature of copying data from a first recording device onto a second recording device when information indication proper completion of imposing payment is received.

Further, Ball et al. fails to show or suggest a recording apparatus including a payment imposing device which determines an amount of payment according to the speed for recording data. Ball et al. discloses recording various royalty information including the title, name of composer, lyricist, recording company and related copyright information of a recording, however, Ball et al. fails to show or suggest determining a payment amount according to a speed for recording.

While the Examiner contends that it would be common sense to employ the speed of recording to determine a payment amount, there is no teaching or suggestion in Ball et al. or in the art as a whole to make such a combination. Ball et al. suggests providing various recording speeds, however, does not suggest varying payment based on speed of recording. In Ball

et al., the same steps for protecting copyright are performed regardless of the speed for recording. (Page 4, lines 2-6)

Accordingly, it is respectfully submitted that claims 1, 19 and 31, and the claims depending therefrom, are patentable over the cited art for at least the reasons identified above.

Reconsideration is respectfully requested of the rejection of claims 11-18, 23-30 and 41-44 under 35 U.S.C. 103(a) as being unpatentable over Ball et al.

Independent claims 11, 23, and 41 relate to record/playback methods substantially utilized by the record/playback apparatuses of claims 1, 19 and 31 respectively.

The Examiner concedes that Ball et al. fails to disclose use of data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium to generate the basic data, but, as noted above, contends that it is well known in the art to employ any relevant data to impose payment to increase profit in business and that it would have been common sense to employ data indicative of a speed for recording to generate basic data. Applicant respectfully disagrees.

As noted above, Ball et al. fails to show or suggest

determining a payment amount according to the speed for recording data from a first recording medium onto a second recording medium. Various royalty data is recorded onto the recording medium to aid in ensuring payment of royalties in Ball et al., however, Ball et al. fails to show or suggest determining a payment amount according to the speed for recording. As noted above there is no teaching or suggestion in Ball et al. or in the art as a whole to include such a feature.

Further, as noted above, Ball et al. fails to show or suggest directing an apparatus to start recording data from a first recording medium onto a second recording medium after receiving data indicative of proper completion of imposing payment. While Ball et al. may allow for direct payment of royalties by including a credit card reader which allows online credit card verification and instant identification information, Ball et al. fails to show or suggest starting recording after receiving data indicating proper payment and in fact teaches away from such a feature as described above.

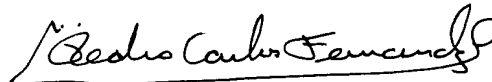
Accordingly, it is respectfully submitted that claims 11, 23 and 41, and the claims depending therefrom, are patentable over the cited art for at least the reasons identified above.

New claim 45 is believed to be patentable over the cited art for at least similar reasons.

In light of the remarks and amendments herein it is respectfully submitted that claims 1-45 are patentable over the cited art for at least the reasons mentioned above.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Pedro C. Fernandez", with a stylized flourish at the end.

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JHM/PCF/KJB
encl.

MARKED COPY OF THE SPECIFICATION INDICATING CHANGES MADE
IN THE SPECIFICATION

The paragraph beginning at page 1, line 9 has been amended as follows.

--It is known in respect of protecting a copyright that copying [a] digital data such as music software recorded on a given recording medium to another recording medium(referred to as "copying" or "dubbing" hereinafter) is permitted only one time or for one generation. Home audio systems are commonly designed capable of copying a group of digital data, e.g. of music play by a player, from an optical disk to a recording medium such as another optical disk, a magnetic disk, or a magnetic tape without change. However, such home audio systems permit no more copying of the digital data from the copied medium or source such as an optical disk, a magnetic disk, or a magnetic tape to a further recording medium.--

The paragraph beginning at page 3, line 3 has been amended as follows.

--A record/playback apparatus according to the present

invention comprises: a record/playback unit for reading out data from a first recording medium and recording it onto a second recording medium; a control unit for generating basic data for imposing the payment from at least data indicative of the user identification and data indicative of the speed for recording the data read out from the first recording medium [into] onto the second recording medium and transmitting the basic data, and when receiving data indicative of the completion of imposing the payment, directing the record/playback unit in response to the received data indicative of the completion of imposing the payment to start the recording of the data read out from the first recording medium onto the second recording medium; and a payment imposing unit for when receiving the basic data from the control unit imposing of the payment according to the received basic data and transmitting to the control unit data indicative of the completion of imposing the payment.--

The paragraph beginning at page 4, line 19 has been amended as follows.

--Another record/playback method according to the present

invention comprises the steps of: in response to [an] indicator data received from an operating unit in an apparatus capable of reading out data from a first recording medium and recording it onto a second recording medium, reading out [a] corresponding data from a data storage unit where a plurality of data is stored and recording it into the second recording medium; generating basic data for imposing the payment from data indicative of the user identification and data indicative of the speed for recording the data read out from the first recording medium onto the second recording medium for recording the data read out from the first recording medium onto the second recording medium; transmitting the basic data from the apparatus to a payment imposing unit; imposing the payment according to the basic data received and generating data indicative of the completion of imposing the payment in the payment imposing unit; transmitting the data indicative of the completion of imposing the payment from the payment imposing unit to the apparatus; and directing the apparatus to start recording the data read out from the first recording medium onto the second recording medium in response to the data indicative of the completion of imposing the payment.--

The paragraph beginning at page 15, line 17 has been amended as follows.

--A second embodiment of the record/playback system according to the present invention will be described referring to Fig. 3. Like components are denoted by like numerals as those in the first embodiment and will be explained in no more detail. As shown in Fig. 3, the record/playback system 2 comprises a high-speed dubbing unit 30, a data transmitter unit 40, and a payment imposing unit 50. The data high-speed dubbing unit 30 may be a home electric apparatus installed in a house of the user. The data transmitter unit 40 and the payment imposing unit 50 are located in a data control center of the host side or a local payment control center like that of the first embodiment. In the record/playback system 2, the data transmitter unit 40 and the payment imposing unit 50 share the use of a modem 21 and are thus connected to each other by a public telephone line such as the ISDN network. For ease of the description, the high-speed dubbing unit 30 is shown as one unit in Fig. 3. In fact, a plurality of the high-speed dubbing units 30 are communicated via the telephone line network with the data transmitter unit 40 and the payment

imposing unit [40] 50 of the host side.--

The paragraph beginning at page 19, line 7 has been amended as follows.

--The memory 33A of controller 33 holds a key lock data for permitting the dubbing at an N-times faster speed. The controller 33 temporarily saves the key data from the payment imposing unit 50, described later, in the [RAM] memory 33A and then drives a collator 33C to collate the key data with the key lock data stored in the memory 33A. When the key data corresponds to the key lock data, the controller 33 starts the dubbing. More specifically, the controller 33 supplies the optical disk drive 31 with the control signal for starting the playback action at the N-times faster speed on the optical disk 35 and simultaneously, the hard disk drive 12 with the copy command for dubbing data from the optical disk drive 31 to the hard disk drive 16.--

MARKED COPY OF THE CLAIMS INDICATING THE CHANGES MADEIn The Claims

Claims 1, 5-7, 11, 18, 19, 23, 31, 41, 42 and 44 have been amended as follows.

--1. (Amended Twice) A record/playback apparatus comprising:

a record/playback unit for reading out data from a first recording medium and recording the data onto a second recording medium;

a control unit for generating basic data for imposing payment from at least data indicative of a user identification and data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium and transmitting the basic data, and when receiving data indicative of [the] proper completion of imposing payment, directing the record/playback unit in response to the received data indicative of the proper completion of imposing payment to start the recording of the data read out from the first recording medium onto the second recording medium; and

a payment imposing unit for when receiving the basic data from the control unit [imposing payment according to the

received basic data] determining an amount of payment
according to the speed for recording the data read out from
the first recording medium and imposing the amount of payment
for a user specified by the user identification
and transmitting to the control unit the data indicative of
proper completion of imposing payment.

--5. (Amended Twice) The record/playback apparatus
according to claim 4, wherein the control unit, when [it is
judged that] the key data [received] is judged authentic,
directs the record/playback unit in response to the data
indicative of a speed to record the data read out from the
first recording medium onto the second recording medium.

--6. (Amended Twice) The record/playback apparatus
according to claim 2, wherein the payment imposing unit, when
the data indicative of a speed in the basic data received from
the control unit is indicative of reading out data from the
first recording medium and recording [it] the data read out
from the first recording medium onto the second recording
medium at a predetermined speed, cancels imposing payment and

generates the key data.

--7. (Amended Twice) The record/playback apparatus according to claim 6, wherein the payment imposing unit, when the data indicative of a speed in the basic data received from the control unit is indicative of reading out data from the first recording medium and recording [it] the data read out from the first recording medium onto the second recording medium at a speed faster than the standard speed, imposes payment and generates the key data.

--11. (Amended Twice) A record/playback method of reading out data from a first recording medium and recording the data onto a second recording medium with the use of an apparatus capable of reading out the data from the first recording medium and recording the data onto the second recording medium, the method comprising the steps of:

generating basic data for imposing payment from data indicative of a user identification and data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium;

transmitting the basic data from the apparatus to a

payment imposing unit;

imposing payment according to the basic data received,
with an amount of payment determined according to the speed
for recording the data read out from the first recording
medium onto the second recording medium and a payment amount
for a user determined according to the data indicative of user
identification and generating data indicative of proper
completion of imposing payment in the payment imposing unit;

transmitting the data indicative of the proper completion
of imposing payment from the payment imposing unit to the
apparatus; and

directing the apparatus to start recording the data read
out from the first recording medium onto the second recording
medium in response to the data indicative of the
proper completion of imposing payment.

--18. (Amended Twice) The record/playback method
according to claim 11 further comprising the step of:

reading out corresponding data from a data storage unit
in response to indicator data supplied from an operating unit
and recorded onto the first recording medium where the
corresponding data corresponds to the indicator data.

--19. (Amended Twice) A record/playback apparatus comprising:

a record/playback unit for reading out data from a first recording medium and recording the data onto a second recording medium; and

a control unit for generating basic data for imposing payment from at least data indicative of a user identification and data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium and transmitting the basic data, and when receiving data indicative of proper completion of imposing payment, with an amount of payment determined according to the speed for recording the data read out from the first recording medium onto the second recording medium and the amount of payment for a user is determined according to the data indicating user identification, directing the record/playback unit in response to the received data indicative of the proper completion of imposing payment to start the recording of the data read out from the first recording medium [into] onto the second recording medium.

--23. (Amended Twice) A record/playback method

comprising the steps of:

reading out corresponding data from a data storage unit where a plurality of data is stored and recording the data onto a second recording medium in response to indicator data received from an operating unit in an apparatus for reading out data from a first recording medium and recording the data onto a second recording medium;

generating basic data for imposing payment from data indicative of a user identification and data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium;

transmitting the basic data from the apparatus to a payment imposing unit;

imposing payment according to the basic data received, wherein an amount of payment is determined by the speed for recording the data read out from the first recording medium onto the second recording medium with the amount of payment imposed on a user determined according to the data indicative of user identification and generating data indicative of proper completion of imposing payment in the payment imposing unit;

transmitting the data indicative of the proper completion

of imposing payment from the payment imposing unit to the apparatus; and

directing the apparatus to start recording the data read out from the first recording medium onto the second recording medium in response to the data indicative of the proper completion of imposing payment.

--31. (Amended Twice) A record/playback apparatus comprising:

a first unit for reading out data from a first recording medium;

a second unit for recording the data onto a second recording medium;

a control unit for generating basic data for imposing payment from at least data indicative of a user identification and data indicative of a speed for recording the data read out from the first unit onto the second recording medium in the second unit, transmitting the basic data, and when receiving data indicative of proper completion of imposing payment, directing the first and second units in response to the received data to start the recording of the data read out from the first unit onto the second recording medium in the second

unit; and

a payment imposing unit for receiving the basic data from the control unit, imposing payment according to the basic data received, wherein an amount of payment is determined according to the speed for recording the data read out from the first recording medium onto the second recording medium and the amount of payment imposed for a user is determined according to the information indicative of user identification and transmitting the data indicative of the proper completion of imposing the payment to the control unit.

--41. (Amended Twice) A record/playback method of reading out data from a first recording medium and recording the data onto a second recording medium with the use of an apparatus for reading out the data from the first recording medium and recording it into the second recording medium, the method comprising the steps of:

generating basic data for imposing payment from data indicative of a user identification and data indicative of a speed for recording the data read out from the first recording medium onto the second recording medium;

transmitting the basic data from the apparatus to a

medium in response to the data indicative of the proper completion of imposing payment.

--42. (Amended) The record/playback method according to claim 41 further comprising the steps of:

judging whether the key data received from the payment imposing unit is authentic; and

recording the data read out from the first recording medium onto the second recording medium based on the judging.

--44. (Amended) The record/playback method according to claim [14] 41 further comprising the step of:

recording the data read out from the first storage medium onto the second recording medium according to the data indicative of a speed when the key data is judged authentic.--

Claim 45 has been added as follows.

--45. (New) A dubbing apparatus comprising:

dubbing means for reading out data from a first recording medium and writing said read out data onto a second recording medium; and

medium and writing said read out data onto a second recording medium; and

control means for generating basic data for billing a user, said basic data includes a user identification and a dubbing speed,

wherein after proper completion of billing said user, said control means directs said dubbing means to start reading out data from said first recording medium and writing the read out data onto said second recording medium, with an amount of billing for said user determined based on said dubbing speed.-

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